

FORM PTO-1390
 (REV. 12-2001)

 U.S. DEPARTMENT OF COMMERCE
 PATENT AND TRADEMARK OFFICE

 ATTORNEY'S DOCKET NUMBER
 008932-1004-999

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/509075

**TRANSMITTAL LETTER TO THE UNITED STATES
 DESIGNATED/ELECTED OFFICE (DO/EO/US)**

 INTERNATIONAL APPLICATION NO.
 PCT/CH01/00682

 INTERNATIONAL FILING DATE
 November 22, 2001

 PRIORITY DATE CLAIMED
 November 22, 2001

 TITLE OF INVENTION
 DEVICE FOR JOINING A LONGITUDINAL SUPPORT WITH A BONE FIXATION MEANS

 APPLICANT(S) FOR DO/EO/US
 Donath, Raoul

Applicant herewith submits to the United States Designated/ Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The U.S. has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the international Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☒ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer readable form of the sequence listing in accordance with PCT Rule.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

20a. Power of Attorney

US APPLICATION NO. (If known, see 37 CFR 1.53) 101509075 PCT/CH01/00682				INTERNATIONAL APPLICATION NO. PCT/CH01/00682		ATTORNEY'S DOCKET NUMBER 008932-1004-999	
21. The following fees are submitted:				CALCULATIONS PTO USE ONLY			
BASIC NATIONAL FEE (37 CFR 1.492 (A) (1) - (5)):							
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....				\$1,080.00			
<input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.....				\$920.00			
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(1)(2)) paid to USPTO.....				\$770.00			
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4).....				\$730.00			
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4).....				\$100.00			
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$		\$920.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$		\$130.00	
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE X			
Total Claims		7 - 20	0	\$18.00		\$0.00	
Independent Claims		1 - 3	0	\$86.00		\$0.00	
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ 290.00		\$0.00	
TOTAL OF ABOVE CALCULATIONS=				= \$		\$1,050.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2				- \$		\$0.00	
SUBTOTAL =				\$		\$1,050.00	
Processing fee of \$130.00 for furnishing the English Translation later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).						\$130.00	
TOTAL NATIONAL FEE				= \$		\$1,180.00	
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 1 x \$40.00 per property				\$		\$40.00	
TOTAL FEES ENCLOSED				= \$		\$1,220.00	
				Amount to be refunded:			
				charged:			
<input type="checkbox"/> A check in the amount of \$0.00 to cover the above fees is enclosed							
<input checked="" type="checkbox"/> Please charge Deposit Account No. 50-3013 to cover the above fees. A copy of this sheet is enclosed							
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-3013. A copy of this sheet is enclosed.							
Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.							
22. <input checked="" type="checkbox"/> Other instructions A Petition for Revival of International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37. C.F.R. 1.137(b) is submitted herewith.							
23. <input checked="" type="checkbox"/> All correspondence for this application should be mailed to JONES DAY 20583							
24. <input checked="" type="checkbox"/> All telephone inquiries should be made to 212-326-7883.							
By: Giuseppe Molaro				52,039		9/23/2004	
For: Brian M. Rothery				35,340			
NAME		SIGNATURE		REG. NO.		DATE	

10/509075

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Donath, Raoul	Confirmation No.	Not yet Assigned
Serial No.	Not yet Assigned	U.S. National Phase of International Application No.	PCT/CH01/00682
Filed:	Currently Herewith (September 22, 2004)	Int. Filing Date:	November 22, 2001
Art Unit:	Not yet Assigned	Examiner:	Not yet Assigned
For:	DEVICE FOR JOINING A LONGITUDINAL SUPPORT WITH A BONE FIXATION MEANS	Attorney Docket:	8932-1004-999

SUBMISSION OF SUBSTITUTE SPECIFICATION IN ACCORDANCE WITH 37 C.F.R. § 1.121(B)(3)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

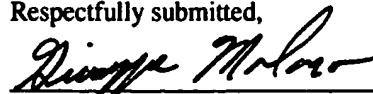
Sir:

In accordance with the provisions of 37 C.F.R. §§ 1.121(b)(3), 1.125(b), and 1.125(c), please enter the attached substitute specification in the present application. In accordance with 37 C.F.R. § 1.125(c) enclosed herein is (1) a clean copy of the substitute specification without any markings, attached hereto as Exhibit A; (2) a copy of the substitute specification with markings showing all changes relative to the priority application, attached hereto as Exhibit B; (3) a clean copy of the as translated priority application, attached as Exhibit C; and (4) a copy of the priority application, attached hereto as Exhibit D.

The attached substitute specification is provided to correct various grammatical, typographical, reference, and formatting errors. Applicants respectfully submit that the amended specification does not introduce new matter.

Respectfully submitted,

Date: September 22, 2004



By: Giuseppe Molaro

52,039
(Reg. No.)

35,340

For: Brian M. Rothery

(Reg. No.)

JONES DAY

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